

CITY OF MILWAUKIE
CITY COUNCIL MEETING
MAY 19, 1992

The one thousand six hundred and forty-seventh meeting of the Milwaukie City Council was called to order at 7:05 PM in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,
Mayor
Roger Hall

Jean Schreiber
Bob Knudson
Rob Kappa

Also present:

Dan Bartlett,
City Manager
Michael Robinson,
City Attorney
Angus Anderson,
Finance Director
Charlene Richards,
Assistant to the
City Manager
Chuck Mansfield,
Police Chief

Tim Corbett,
Public Works Director
Maggie Collins,
Community Development
Director
Darrel Lyons,
Program Specialist
Pat DuVal,
Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

None.

PUBLIC HEARING

Consider Garbage Rates

Mayor Lomnicki called the public hearing on consideration of revising garbage collection rates for garbage haulers to order at 7:07 PM.

Mayor Lomnicki said the purpose of the hearing is to consider the garbage haulers proposed increases in the garbage collection rates. A portion of the increase is due to an increase in the Metro disposal fee. We will hear a staff report followed by public comment, if any. The Council will discuss the matter and give direction.

Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to review a request from the haulers for adjustments to the rates effective April 2, 1992.

CITY COUNCIL MEETING - MAY 19, 1992

Richards reviewed the solid waste haulers requests which included: 3% general increase excluding yard debris; increase cost of 20 yard drop box; increase cost of mini can from 75% to 85%; increase 90 gallon cart rate \$1.65 per month; establish 60 gallon cart rate; establish a distance charge; add increase for disposal fee increase of \$7 per ton in Metro disposal fees.

Richards reviewed the criteria which were prevailing rate; operating costs; rate of return; and investment of an extraordinary nature. She said based on those criteria she had the following comments. The 3% rate increase shows a net increase in dollars and percent rate of return. The haulers agreed not to increase the cost of the mini-can. She recommended no increase in the 20 yard drop box rate because it was already high within the comparables in the metro area, and the haulers agreed to drop this request. She said she recommended no increase in 90 gallon cart rate. A 60-gallon cart rate should be established to would encourage less waste. The haulers eliminated the proposed distance charge. **Richards** recommended passing on the \$7 per ton charge based on reduced weights. She said the yard debris program will not greatly decrease the haulers' tonnage. She said a County study has shown the weight of can has gone down. For example, a 32 gallon can did weigh 38 pounds and now weighs 30 pounds; a 90 gallon cart went from 58 to 55 pounds.

Richards said it was staff recommendation that Council consider revising the rates to pass on the Metro disposal fee increase as calculated using the lower weights and request staff to work with the haulers to establish a 60 and 90 gallon cart rate that will encourage diverting waste from the landfill. There is a need for 60 gallon cart to encourage recycling.

Councilmember Kappa asked which can weight was used to calculate the disposal rate. **Richards** said 30 pounds was used to calculate the disposal rate. The \$7/ton increase is equivalent to a 3-4% increase. **Councilmember Kappa** asked if the increase was good for a year. **Richards** said this was an annual rate review.

Mayor Lomnicki asked if this was the pass through proposal. **Richards** said this was the Metro pass through over the entire rate structure.

Councilmember Kappa asked the long term effect was of \$7/ton increase. **Richards** said it is not known if the container weight will remain stable or if it will fluctuate.

Councilmember Schreiber asked what the increase was on a 32-gallon can. **Richards** said the 32-gallon can increase was \$.45.

CITY COUNCIL MEETING - MAY 19, 1992

Correspondence: There was no additional correspondence on this matter other than those items included in the agenda materials.

Mayor Lomnicki asked if all the information had been made available to the public. Richards said the public hearing had been announced as a legal notice. Staff reports had been available at the Library and City Hall. Reports were also available at this meeting.

Bob Martin, Metro Solid Waste Director, discussed the pass through. He pointed out that this was the lowest rate increase in the last four years. He said the increase will cover the escalation costs and adjust to inflation each year. The west coast cities CPI was used as the index. Martin said the Metro increases were due to legislation regarding fees that must be paid to DEQ. He said rate increases were a result of a decrease in revenues resulting from lower than projected tonnage. He said the budget had been developed based upon these forecasted revenues and contingency funds were being spent to meet expenses. He said Metro must build up its contingency funds. Martin stated that Metro had offset three major increases through cutbacks in expenditures. He said over half of the total rate is allocated to disposal/transportation.

Councilmember Knudson asked how Metro arrived at the \$7/ton increase. Martin said each year the rate review committee advises Metro on developing an estimate of the tonnage. This is translated into expenses, and cost estimates are compiled. He said a rate model is produced to determine how each line item contributes to the cost per ton.

Councilmember Knudson asked what is done with surplus money after a year's operation. He asked if the amount was applied to users or was it put in contingency. Martin said surplus funds were used to buy down the rate in certain years. He said Metro tries to roll forward a \$2.5 million contingency each year. He said this year Metro will have \$50,000 contingency.

Councilmember Kappa asked how there could be an overestimate in tonnage. He asked what the tonnage was for last year. Martin provided Council with a handout which indicated that 1992 tonnage would be 1.117 tons. He said the normal tonnage increase projected by population will be offset by increased recycling.

CITY COUNCIL MEETING - MAY 19, 1992

Councilmember Kappa said he was concerned that if costs keep going up that garbage customers will not be encouraged to keep garbage out of the waste stream. Martin said if people recycle more, expenses will be lower and savings will be made on a per ton basis. He said if forecasting is done accurately, there will be both less revenue and fewer expenses. The cost of disposal will go up with CPI.

Councilmember Kappa said if recycling is so good but costs keep going up, how is the customer encouraged. Martin said this is an accurate reflection of disposal costs, and customers are now paying the true cost of disposal.

Councilmember Knudson asked who operated the landfill. Martin said Metro contracts with Waste Management for the disposal site.

Councilmember Schreiber asked if overhead and administration is it actually \$5.88/ton. Martin said this was correct. He said \$.56/ton is for materials and services; \$1.63/ton for personal services; and \$3.69/ton to transfers.

Councilmember Kappa said it appears that Metro was premature in its charges. He asked if the increases could be distributed over a longer period of time. Martin said Metro was losing money in this year.

Estele Harlan, 2202 SE Lake Rd., Consultant for Milwaukie Franchisees, said that whether the Council agrees with Metro management, this proposal was an attempt to reconfigure the costs. She said the haulers were not getting a piece of this fee; it was all going for disposal.

Councilmember Kappa said he was still concerned about the weight. He said the amount of yard debris will not decrease and many recyclables are being taken out of the waste stream. Harlan said the comparative cart rates showed no add on for yard debris. She said Milwaukie's rates were not high and compared the rates to Wilsonville, Tualatin and Portland. She reviewed the rate calculation methods. She said the differential between 60 and 90 gallon cans was \$1.25. Harlan reviewed drop box costs. The increase in cost of 60 and 90 gallon carts was to cover the recycling costs.

Councilmember Kappa said \$1.25 difference between the 60 and 90 gallon cans was not much incentive to cut down on the amount of waste. Harlan said the haulers need the \$21.40 on the 60 gallon and \$22.65 on the 90 gallon. The 32 gallon can would be \$17.10.

Councilmember Schreiber said the original request had been \$.50 less. Harlan said this is correct.

CITY COUNCIL MEETING - MAY 19, 1992

Harlan reviewed the additional services provided by the garbage haulers which included dead animal cleanup, Milwaukie Clean-up day, Festival Daze, and recycling collection.

Harlan reviewed the rate history. Disposal costs were \$17.38/ton in 1987 and are now \$75.00/ton. She reviewed the average owner's compensation for haulers in the City of Milwaukie which is \$45,259 compared to \$66,495 in Clackamas County.

Testimony in Support: None.

Testimony in Opposition: Homer Brittan, 5312 Monroe St., asked how haulers could keep raising rates when they can also take write offs. He said all the community service activities that Harlan mentioned were write offs and did not actually cost the haulers anything. He said he could not fill a 32-gallon garbage can in one month at his residence.

Marlene Brandt, 9903 SE 49th, said she had no complaint about her hauler's service and understood they were in a difficult spot with Metro. She said Metro is concerned about inflation, but what about the rate payers. Many people have been laid off or had reduction in their work hours. She said that Washington puts their garbage in Arlington when they have just as much room in their state. She said she believed the increased rates were going to remodel the Sears building. She said Metro is bigger than the state right now. She said garbage haulers are taking the pressure from Metro.

Harry Murphy, 8817 SE 29th, said he has been able to cut his garbage in half by recycling and composting. The hauler keeps increasing the rates while he cuts down on his garbage.

Neutral Testimony: None.

Staff Comments: Harlan responded to citizen comments. She said residents having little garbage can go to a 20 gallon can or have on call service. They would not be required to participate in the yard debris program. Murphy said his hauler does not offer these services. Harlan said she would speak with him after the meeting. She responded to Brandt's concerns and said that Washington does pay out-of--state rates.

CITY COUNCIL MEETING - MAY 19, 1992

Councilmember Kappa said he shared her concern with Metro's charges, but the only point of control is at the City Council level. He said he was very concerned with the cost difference between the 60 and 90 gallon cans. He said there should be more incentive for using the 60 gallon can over the 90 gallon. **Harlan** said the charges covered the cost of service only, however, increasing the rate for a 90-gallon can might be an incentive.

Councilmember Schreiber said there seemed to be some confusion about mini-cans and on call service. She said she could be contacted at the office to discuss this service option.

Questions of Clarification: None.

Close Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing on consideration of revising the rates to be charged for garbage collection at 8:12 PM.

Discussion among Councilmembers: **Richards** asked for direction based on the requests for rate adjustment. She reviewed the options.

Councilmember Hall said based on the discussion, he would like to see a revised proposal with an increase in the cost of 90 gallon carts to reduce or eliminate some other increases. He said he believed this would discourage customers from using larger containers. He said he believed this would be equitable to all parties. It would bring revenue to the haulers and work toward implementation of the social good by making customers more aware of the waste being generated.

Mayor Lomnicki said he agreed. Council would have to address the pass through issue.

Richards asked if she should draft a resolution based on a 3% rate increase.

Councilmember Hall said he would like to reduce the general increase with an increase of the 90 gallon can rate. He suggested negotiations with the haulers. He said each time a hauler requests an increase, there are citizens who come forward to ask that this not happen. He said he believed that Metro should give citizens a better break down of the use of funds. He said haulers need enough income to stay in business.

Mayor Lomnicki said he would like to see the 60 gallon rate at cost of service and increase the 90 gallon rate.

CITY COUNCIL MEETING - MAY 19, 1992

Councilmember Schreiber said she did not believe there should be an informal vote and wanted to see Richards return with the best possible proposal.

Councilmember Hall said the Council could amend a proposed resolution at the June 2 meeting.

Bartlett asked if staff should prepare the resolution to put before a public hearing to determine what could be restructured.

Councilmember Kappa said he understood the haulers' concern with Metro increases. He said he would go along with the pass through but believed there should be a more significant difference between the 60 and 90 gallon container rates to encourage recycling.

Councilmember Knudson asked if the 10% operating margin was before taxes. Harlan said this was net 10% and 4.3% after taxes.

Mayor Lomnicki said he was more concerned with the before tax figure because businesses can manipulate some expenses.

Direction by the Council: Council directed City staff to prepare a garbage rate resolution for a public hearing on June 2, 1992.

Councilmember Hall said he believed public testimony should be limited to the proposed resolution.

Consider Municipal Water Rates

Mayor Lomnicki called the public hearing on the proposed water rate increase to order at 8:35 PM.

Mayor Lomnicki said the purpose of the hearing was to consider the resolution which would increase the City's water rates by five percent. The Citizen Utility Advisory Committee reviewed the need for an increase and recommended an increase of five percent. However, consultants hired by the City recommend an increase of eleven percent. The staff report will be followed by public comment, if any. Then the Council will discuss the matter.

Mayor Lomnicki reviewed the conduct of the hearing.

CITY COUNCIL MEETING - MAY 19, 1992

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider adoption of a resolution at the June 2, 1992 meeting increasing water rates by 5%. He discussed the decision to build the water treatment towers, the 58% water rate increase, and bond sale. The 1989 rate study indicated that the City would need a 5% increase in 1992-1993. In 1991, the City contracted with Public Financial Management (PFM) to update the previous rate study. The latest study recommended an 11% increase. **Corbett** said water consumer conservation and decreases from other sources resulted in lower revenues. He said the Citizens Utility Advisory Committee (CUAC) and City staff reviewed all the information and recommended that only a 5% increase be sought as was communicated to citizens in 1989. **Corbett** said certain capital projects that would be delayed to keep the increase down. He said CUAC and staff believes that the rate structure should reward conservation. He discussed the provision that charged a deposit to all new customers for water service or restoration of water service. He said this was in response to Ballot Measure 5.

Councilmember Kappa discussed the 58% increase following bringing packed towers on line. **Corbett** referred to the previous resolution on water rates. He said in the event that the City recovers funds for damages from the polluters, there would be a rebate to consumers. He said DEQ is working on finding the source of pollution, but the project may take years. He added that DEQ is operating with limited funds.

Councilmember Kappa said one member of the CUAC voted against the flat 5% increase. **Corbett** said the dissenting member did not believe there was sufficient data and preferred to wait until the cost recovery study was complete before approving a water rate increase.

Councilmember Schreiber asked if the rate increase was limited to 5%, would there still be funds for the rate study. **Corbett** said funds for the rate study will come from delayed capital projects. He said emergency repairs will be done, but there will be no system upgrades.

Councilmember Schreiber asked about the fee charged for service restoration. **Corbett** discussed the cost of bringing a City employee in after hours to restore water service. **Councilmember Schreiber** said she did not believe the fee would cover the cost of bringing an employee in after hours.

Correspondence: No additional correspondence was received on this matter other than those items included in the agenda materials.

Testimony in Support: None.

CITY COUNCIL MEETING - MAY 19, 1992

Testimony in Opposition: Ralph Klein, 10795 SE Riverway Ln., spoke in opposition to the proposed increase. He said he was a long time Milwaukie resident and was concerned with services provided by the City. He said he voted against the increase because of the rate structure. He said he believed the first part of the rate structure should be a flat, bi-monthly charge for administration and work that goes on for each particular customer and could change with the size of the meter for each customer. He said he would even approve an 11% increase if structured correctly. He said rate structure is not only a problem for water, but also for sewer rates. He said the second part of the rate should be a bi-monthly increase of \$.10 per cubic foot. This charge would be based on each individual's use of water.

Mayor Lomnicki said the rate structure would be addressed in the rate study. He said the study would look at the equity issue, after which Council would make its determinations. He said the study would take one year. Klein said it could be done right now.

Councilmember Hall asked Klein if he was concerned with encouraging conservation. Klein said he was not particularly concerned with conservation but with the rate structure and making it more equitable.

Mayor Lomnicki said the CUAC had reviewed this increase and made a recommendation to the City Council. The issues will be addressed in the study outlined by staff.

Klein said he would like someone in authority to look at the rate structure immediately. He said it would become increasingly necessary for sewer and surface water rates. He said he believed a better analysis of why these things were needed was necessary to distribute the costs fairly. He said it needs to be determined who benefits for the services later. The ability to pay must also be considered. He said it must be considered what marginal costs enter into the rate structure. He said he did not believe this would not be done in a cost recovery study.

Bartlett said in the scope of work the City may direct the consultant to analyze billing methods. He said the CUAC recommended that this study be done in 1992-1993 to be presented in one year. He said there was not time to do such a study in two weeks.

Klein said he did not agree with that and that a structure could be worked out in a very short period of time. He said Council should review the rate structure in a very short period of time to regain citizen confidence.

CITY COUNCIL MEETING - MAY 19, 1992

Marlene Brandt, 9903 SE 49th, said if citizens had questions about their water, they should immediately notify the Public Works Department. She discussed a water quality problem in her home and subsequent inspections by Public Works employees and plumbers.

Mayor Lomnicki said he believed that staff should address this concern. He said the purpose of the public hearing was to address the proposed water rate increase.

Brandt said she believed this was the time and place to discuss her concerns with water quality and would not have her testimony cut short.

Councilmember Hall said this should be addressed under Audience Participation and should not leave the audience with the impression that there was not time during the Council meeting to discuss items not on the printed agenda.

Staff Comments: Corbett said for clarification this was based on a rate sufficiency study. They are looking at specifically costing functions of the water department through the cost recovery study.

Councilmember Kappa asked how long the CUAC had reviewed this proposal. Corbett said the committee had reviewed the proposal through two meetings, and there was only one dissenting vote.

Councilmember Schreiber said she was glad the study was being done. She said Klein had been interested in this aspect.

Bartlett said because of Klein's experience in comptrolling that he could probably do the calculations very quickly. He said rate studies done by other communities have taken from 6 to 24 months. He said this amount of time is needed to involve the community to help them understand what impacts to expect. He said the public needs to know the implications of this type of study.

Questions of Clarification: None.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on water rate increases at 9:14 PM.

Discussion among Councilmembers: Councilmember Kappa said he believed the CUAC had done a good job on the project.

Councilmember Hall said he believed that the cost recovery study is essential.

CITY COUNCIL MEETING - MAY 19, 1992

Mayor Lomnicki said lower consumption brings lower revenues. Fixed costs and variable costs will rise, but people will end up paying more.

Councilmember Hall said the long term public good must be considered when doing a rate study.

Council directed staff to prepare the resolution for consideration at the June 2, 1992 meeting.

Consider Municipal Sewer Rates

Mayor Lomnicki called the public hearing on the proposed sewer rate increase to order at 9:17 PM.

Mayor Lomnicki said the purpose of this hearing was to consider increasing the City's sewer rates by thirty percent. Consultants hired by the City recommend the increase. The Citizens Utility Advisory Committee has reviewed the consultant's proposal and supports an increase of thirty percent. He said Council would hear a staff report from Tim Corbett followed by public comment, if any. Then the Council will discuss the matter and give further direction to staff.

Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to hold a public hearing to consider adoption of a draft resolution increasing sewer rates by 30% at the June 2, 1992 Council meeting.

Corbett said that staff recommends adoption of a resolution increasing sewer rates by 30% at the June 2, 1992 Council meeting. The increase is needed in light of rising costs, stable revenues and decreasing reserves over the 7 years since the last rate increase. He said staff would work to rebuild contingencies and reserves over the next five years and update the sewage rate study conducted by PFM as needed to ensure the financial health of the fund.

Corbett said the City has not sought a sewer rate increase since 1985. He said sewage treatment costs had increased dramatically and new mandates have come into effect. He discussed the increased cost of contractual services to the County for sewage treatment and personnel costs.

Councilmember Hall asked the difference in the number of sewer division personnel. Corbett said the number of personnel were the same.

CITY COUNCIL MEETING - MAY 19, 1992

Corbett discussed revenues and the declining contingency. He said the City has declined an increase in the last seven years. The consultant recommended 30% this year and 17% next year. He said the CUAC unanimously recommended this increase.

Councilmember Kappa asked how the committee arrived at 30%. Corbett said PFM had recommended 30%.

Erio Johansen, PFM, said the main issue was one of carry over and how much money was set aside for unexpected expenditures. He discussed the need for good financial practices. He said the rate study targeted a 10% carryover balance for 1993. He said he could not recommend a lower amount. He said the increase was driven by the need to get the fund back to a healthy condition. The cost of service study would help the City pursue a strategy that would get the City back to a healthy condition.

Councilmember Kappa said he believed the need for a carryover should be explained. Johansen said there are unexpected expenditures that consume contingency.

Correspondence: There was no additional correspondence on this matter other than those items included in the agenda materials.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments:

Questions of Clarification: Councilmember Schreiber asked for an update on the treatment plant. Corbett said he was working with Clackamas County about some encouraging news about the treatment plant.

Councilmember Kappa discussed low income fees that would be available for those who qualify. Corbett said this could be discussed with Finance Director Anderson for both sewer and water.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on the proposed sewer rate increase at 9:30 PM.

Discussion among Councilmembers: Council directed staff to return with a resolution establishing fees for sewer service on June 2, 1992.

CITY COUNCIL MEETING - MAY 19, 1992

AUDIENCE PARTICIPATION

Klein discussed the work session with the CUAC in which the committee indicated they wanted another member.

Councilmember Hall said the seven member committee had only six members at this time. Klein said he believed the committee was dictating the type of member they wanted. He said he was concerned that committees were trying to build their own empires, and he did not like it. He said this opinion was pertinent to the water rate issue.

Councilmember Kappa said the committee members who donate their time to advisory boards speak with the other members of the public, and their recommendations are important to the City Council.

OTHER BUSINESS

Consider Telephone Franchise Renewal - Ordinance

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to approve the Franchise Agreement with U.S. West Communications, Inc. and adopt the enabling Ordinance. He said this was a successor agreement to the 20-year franchise agreement with Pacific Northwest Bell. He said modifications had been reviewed by the City Manager, Public Works Director, and City Attorney. Other current City franchises include electricity, natural gas, and cable television. Anderson said the City receives a 7% franchise fee from US West and reviewed the forecasted revenues.

Councilmember Kappa discussed the section regarding relocation of facilities. Anderson said facilities includes poles, wires, wiring studs, and any other facility in the City which might be removed or relocated.

Councilmember Hall asked if the wording in section 1 suggested by US West intended to make it easier for the utility not to go underground. Anderson said enabling legislation does not require such language be included in the franchise agreement because it would be redundant.

Councilmember Schreiber asked if this franchise agreement would result in an increase cost to telephone customers. Anderson there would be no rate increase involved because the City already receives 7%.

CITY COUNCIL MEETING - MAY 19, 1992

It was moved by Councilmember Hall and seconded by Councilmember Kappa to read the ordinance renewing the US West Communications, Inc. franchise for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Hall and seconded by Councilmember Kappa to second the ordinance renewing the US West Communications, Inc. franchise for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Hall and seconded by Councilmember Kappa to adopt the ordinance renewing the US West Communications, Inc. franchise. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE 1721:

AN ORDINANCE OF THE CITY OF MILWAUKIE, RENEWING THE FRANCHISE OF US WEST COMMUNICATIONS, INC., SUCCESSORS AND ASSIGNS THE RIGHT AND PRIVILEGE TO CONDUCT A GENERAL COMMUNICATION BUSINESS, AND TO PLACE, ERECT, LAY, MAINTAIN AND OPERATE IN, UPON, OVER AND UNDER THE STREETS, ALLEYS, AVENUES, THOROUGHFARE, AND PUBLIC HIGHWAYS, PLACES AND GROUNDS WITHIN THE CITY OF MILWAUKIE POLES, WIRES AND OTHER APPLIANCES AND CONDUCTORS FOR ALL TELEPHONE AND OTHER COMMUNICATION PURPOSES; AUTHORIZING THE MAYOR TO ENTER INTO SUCH AGREEMENT; AND DECLARING AN EMERGENCY.

Consider Intergovernmental Agreement for 9-1-1 Backup Service

Ella Gossett, Dispatch Clerk Supervisor, presented the staff report in which the City Council was requested to approve an intergovernmental agreement between Milwaukie and Clackamas County on procedures for backup of incoming 9-1-1 phone calls between Public Safety Answering Points (PSAPs) affected by Enhanced 9-1-1 telephone failure. Should 9-1-1 lines fail, there would be a backup for the answering of emergency calls. She said the agreement outlines the responsibilities of each party, including equipment and adequate staff. Gossett said the agreement had an annual renewal clause.

CITY COUNCIL MEETING - MAY 19, 1992

Councilmember Kappa asked if this agreement would still be necessary when dispatch moves into the new facility. Gossett said there would be a backup system in the new facility, however, the City would still enter into such an agreement in the event of a major disaster.

Mayor Lomnicki said it did not seem from the wording that this was a two-way agreement. Gossett said it was a two way agreement and reviewed the duties of each party.

Bartlett said he did not believe it was necessary to revise the agreement. He said Exhibit A outlined the policies and procedures indicating a mutual aid type of agreement.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorizing the Mayor to sign and intergovernmental agreement on behalf of the City with Clackamas County on procedures for backup of incoming 9-1-1 phone calls between Public Safety Answering Points (PSAPs) affected by Enhanced 9-1-1 telephone failure. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions

Consider Amendments to the Intergovernmental Agreements for Additional Community Development Block Grant Funding

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to review amendments to the Intergovernmental agreements between Clackamas County and the City of Milwaukie for the Milwaukie Center Addition and the Scott Park/Ledding Library Entry Improvements projects. She said Center expansion costs were higher than anticipated which included adjustments required by the Americans with Disabilities Act. She said the Clackamas County CDBG program recommended funding an additional \$30,000, and the City must amend the IGA with the County to receive these funds.

Richards said rebuilding of the Ledding Library entry ramp was bid \$6,000 over budget. The County has offered \$3,000 of CDBG funding if the City would match the amount. She said the Parks and Recreation Division has \$3,000 available in a projected ending fund balance, and Parks District pass-through funds can be applied to this project. Some expenditures from Parks and Recreation would be delayed. In order to receive the \$3,000 CDBG funds, the City must amend the IGA with Clackamas County.

Councilmember Kappa asked why the bids were higher. Richards said the project had not gone out immediately for bid and costs had gone up during that time period. She added that specifications could not be redone to adequately meet the requirements of the project.

CITY COUNCIL MEETING - MAY 19, 1992

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the City Manager to sign the intergovernmental agreement. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Light Rail Transit Recommendation from
Center/Community Advisory Board

Mayor Lomnicki read the resolution recommendation from the Center/Community Advisory Board regarding light rail in the Portland Metropolitan Region. Among the benefits of light rail is the viable alternative for commuters and increasing the livability of the area. The recommendation included a commitment to achieve regional light rail goals in the next 20 years.

Councilmember Hall said he had concerns about the statement "commit to do whatever possible" in light of escalating cost estimates. He said he was concerned about making this sort of commitment and suggested that the goal was not realistic.

Councilmember Schreiber said she respected the Center/Community Advisory Board for their faith in the future and courage in the proposal.

Councilmember Knudson said he would support as a resolution provided the City was not involved financially.

Mayor Lomnicki said perhaps the wording could be changed for a resolution that the City Council could support.

Councilmember Hall agreed that the resolution could be reworded.

Mayor Lomnicki asked if Council wished to consider a revised resolution.

Council agreed to revise the Center/Community Advisory Board proposed resolution.

Proposed Intergovernmental Agreement between the City of
Milwaukie and Metropolitan Service District

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider the agreement with Metro for a special study of high capacity transit improvement in the I-205/Milwaukie Corridor. The study is considered preliminary prior to the selection of a corridor for federal approval and funding. It will help determine the most cost effective and feasible location for a light rail line. Collins said there are Community Development funds available in the budget in the

CITY COUNCIL MEETING - MAY 19, 1992

amount of \$8,412.50. Staff recommends that Council authorize the Mayor to sign the agreement.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the Mayor to sign an intergovernmental agreement between the City of Milwaukie and Metropolitan Service District for I-205/Milwaukie Preliminary Alternatives Analysis. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Greenspaces Grant

Mayor Lomnicki discussed the preparation of Greenspaces Grant applications. He suggested that a work session be scheduled for a staff presentation and review by Council.

Bartlett said the applicant for the Greenspaces Grant would be the Parks District.

Mayor Lomnicki agreed that it would probably add more strength to the application. He said he hoped the City was not opting out of its influence. He said he was not sure that Greenspaces only meant parks.

Bartlett said the types of applications available will be discussed in work session.

League of Oregon Cities - Opticom Use

Mayor Lomnicki discussed the memo from Police Chief Mansfield regarding the use of Opticom by police departments. He said ODOT had opposed Milwaukie's use of the traffic preemption device. He said if Council supported the Chief's position that a letter should be prepared for the League of Oregon Cities.

Bartlett said this issue could be discussed in a work session.

CONSENT AGENDA

It was moved by Councilmember Hall and seconded by Councilmember Schreiber to adopt the Consent Agenda which consisted of the City Council Minutes of May 5, 1992. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

CITY COUNCIL MEETING - MAY 19, 1992

INFORMATION

Bartlett reviewed the CDBG project status report in the packet.

Councilmember Schreiber said she attended the NCPRD in which it was indicated that there might be changes in the Master Plan. More of the regional park site will be used for storm water retention and wetlands area and less for development. She said it was expected that neighborhood areas and larger pieces of property would be developed for sport fields.

Bartlett announced that there would be an executive session pursuant to ORS 192.660 to discuss labor relations immediately following adjournment of the regular session.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 10:30 PM.

Pat DuVal

Pat DuVal, Recorder/Secretary

EXECUTIVE SESSION

Mayor Lomnicki called the session to order at 10:45 PM. Charlene Richards reviewed the parties' bargaining positions and asked for Council direction. Council gave Richards bottomline positions for each issue. The Executive Session was adjourned at 11:30 PM.

Dan Bartlett

Dan Bartlett, City Manager